IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

MFA.No. 1189 of 2002()

OPMV.217/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KALPETTA

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APPELLANT: PETITIONER

E.ANANDAN, S/O.GOVINDAN, EDACHOLI HOUSE,
VILLAGE S.BATHERY, KAIPPANACHERI, P.O.S.BATHERY.

BY ADV. SRI.P.V.SURENDRANATH
SRI.P.P.SUDHEER

RESPONDENTS: RESPONDENTS

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1. T.K.KAREEM, THADATHILKANDI HOUSE,
S.BATHERY P.O., S.BATHERY.(OWNER)

2. RAJAN, S/O.RAMAN NAIR, KAIPPALLY HOUSE,
KUPPADI P.O., S.BATHERY.(DRIVER)

3. THE MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
BRANCH OFFICE, KALPETTA.

R3 BY ADV. SMT.P.A.REZIYA
R1 BY ADV.SMT.VANAJA MADHAVAN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA,JJ.

M.F.A.NO.1189 OF 20O0

Dated this the 5th day of November, 2007

JUDGMENT

Koshy, J.

A 36 year old woman died in a motor accident. Her parents claimed RS.3,00,000/- as compensation. But the Tribunal has awarded only Rs.64,500/-. According to the claimants, she was a kooli, earning Rs.1,500/- per month. That was accepted by the Tribunal and after deducting one-third, Rs.1,000/- is fixed as family contribution. Father was aged 63 and mother was aged 56. considering the age of the deceased, 5 was taken as the multiplier. The deceased was not married. Considering the age of the claimants, we see no reason to change the same. Therefore, Rs.60,000/- was only awarded for loss of dependency. But, we see that the claim was filed under Section 166 of the M.V.Act. For pain and suffering no amount was granted. When the accident occurred, she was taken to the General Hospital, Taliparamba and she was given first aid and then transferred to the District Hospital, Kannur and then only she succumbed to the injuries. Therefore, we award Rs.5,000/- for pain and suffering. For hospital expenses, no amount

was awarded. Life saving medicines were given to her. However, in the absence of medical bills, we award Rs.2,500/- for medical and treatment expenses. The accident occurred at Cherankunnu. She was taken to the General Hospital, Kannur. The body has to be taken from Kannur to her native place, Chuzhali and no amount was awarded for transportation charges. We award Rs.2,500/- on that count. It is contended that father was old and mother was completely depending upon the deceased. In the light of the death of the daughter at the age of 36, appellants suffered mental agony. For loss of love and affection, we award Rs.5,000/-. The appellants are entitled to Rs.15,000/- more than the amount decreed by the Tribunal. The above amount of Rs.15,000/- should be deposited by the third respondent Insurance Company with 7.5% interest from the date of application till the date of deposit, over and above the decreed amount.

The appeal is allowed, partly.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

vgs.

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.1189 OF 2000

JUDGMENT

5.11.2007